

Planning and Policy Advisory Committee
Court reporting subcommittee

≡ Findings and recommendations ≡

Presented to: Director of State Courts

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PPAC court reporting subcommittee members

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Definitions

Here is a brief definition of some of the technical terms found in this document:

Stenographic reporting

A general term used to describe traditional court reporting methods involving an individual who captures court proceedings verbatim. The reporter types symbols, which are either printed on paper, or stored in a computer's memory and transcribed later by the reporter.

Computer-aided transcription (CAT)

The most common form of court reporting used in Wisconsin courtrooms today. The reporter creates a verbatim record by typing stenographic symbols, which are then translated by an extensive computer software dictionary. The computer file can later be edited and printed to produce a transcript, if needed.

Real-time

This form of court reporting uses CAT technology and advances it one step further. As the computer software translates the typed symbols into English, that translation can be viewed immediately on a computer or overhead monitor by the judge, attorneys, and other courtroom participants. This makes it much easier to search for, and review, a specific portion of the proceedings, and is also of great benefit to deaf or hearing-impaired individuals. Also, rough transcripts are available immediately, and with advanced technology, judges and attorneys can mark the text as it is produced for later review, rather than making hand-written notes.

Stenomask

This court reporting method originated in the military and is not widely used. It is not used at all in Wisconsin courtrooms. A stenomask reporter speaks into a mask over his/her mouth and orally repeats what participants in the proceeding are saying. Standard stenomask reporters transcribe their own dictation, while real-time reporters create a software dictionary similar to the one used by CAT reporters that translates the oral record into a written format.

Audio/visual

This is simply a reference to the combination of audio recording devices and television-type cameras to capture court proceedings. The record is then preserved on videotape, computer disk, and/or compact disc. A court reporter can view and listen to the record to prepare a written transcript as needed.

Subcommittee creation and mission

At its November, 1998 meeting with the Supreme Court, the Planning and Policy Advisory Committee (PPAC) identified two key focus areas. One of these was court reporting. A court reporting subcommittee was formed and began meeting in early 1999 to discuss a long-term solution to the shortage of court reporters in certain areas of the state.

The subcommittee developed the following Mission Statement:

“While affirming the role of official court reporters, explore the blending of new technologies to make the court record, and develop the protocol for managing court proceedings to ensure the preservation and timely production of an accurate record.”

Background

The court reporting subcommittee held several meetings, and generally met once every two to three months, beginning in February, 1999. The early meetings struggled with the definition of the committee's purpose, but members soon defined that purpose as dealing with long-term court reporter issues. The short-term court reporter issues were subsequently delegated to the Chief Judges and Director of State Courts Office.

A strategic planning session helped the subcommittee focus its efforts and provided structure for the project. At this meeting, members outlined their Vision for the future of court reporting, stated the problem they were trying to “fix,” identified stakeholders and customers, discussed the strengths and weaknesses of the current court reporting system, and explored potential long-term solutions. The problem, or core issue, as stated by the subcommittee was:

***How to best ensure the preservation and timely production
of an accurate court record***

In addition, the subcommittee identified specific items that have contributed to the current situation, and key items that must be addressed. These were:

- Lack of adequate resources from the state
- Personnel shortage
- Uncertainty as to how to take full advantage of new technology
- Existing court rules for record preservation
- The importance of re-affirming to current court reporters that they are needed
- How to manage technology
- Ensure that reporters are transitioning with technology
- Securing qualified individuals to serve as reporters and use new technology
- Making official status more attractive than per diem
- Uncertainty of future and effect on individuals considering the reporting profession

In addition, subcommittee members discussed possible root causes of the problems and issues identified above:

- Exploding technology and the difficulty of matching technology to specific proceedings
- Court reporting not an attractive career choice
- Physical demands
- Fear of new technology
- Current system is stressed (resource management)
- Salary levels
- Lack of adequate technical training
- Difficulty of learning the profession
- Gap in personnel shortage in rural vs. urban areas
- Fear of change

Issue identification and objectives

The primary long-term issue the subcommittee identified was the declining pool of official reporters. The declining pool seems to be caused by several factors. One factor is clearly declining enrollment in court reporter schools with corresponding reductions in eligible graduates. The evolution of technology to make and preserve the court record can be perceived as a threat to job security. Some potential students are discouraged from entering court reporting schools in the face of increased marketing efforts by tape recording firms. In addition, of the eligible graduates, not all seek employment as an official court reporter in Wisconsin. A second factor is the natural aging of the current court reporter pool, normal retirements, and career changes.

WCRA and the state court system are working together to increase marketing efforts to attract official court reporters to Wisconsin. Creditable service computations, which dictate placement on the state pay plan for newly-hired reporters, as well as non-acceptance of other certifications (even though they may mirror the Wisconsin-required RPR standard) have acted as impediments to recruitment of freelance and out-of-state reporters. These are some of the issues being addressed by the Chief Judges and Director of State Courts Office.

During the course of proceedings, the subcommittee defined its general objective as record preservation without displacing current court reporters. An additional goal was to provide a technology solution in each county for use in the absence of a court reporter, and as a means of record preservation for appropriate types of court proceedings. The subcommittee also recognized the need to have a reliable back-up system in place to ensure preservation of the record when court reporters are unavailable. This would reduce the probability of cancellation of court proceedings.

Evaluation of court reporting alternatives

Subcommittee members further evaluated current stenographic court reporting including computer aided transcription (CAT) and real-time certification. This process was assisted by a videoconference with the National Center for State Courts and Courtroom 21. The subcommittee noted that both CAT and real-time provide advantages to record access and preservation, with real-time reporting providing additional advantages in trial settings and in situations involving hearing-impaired participants. Real-time court reporting could also easily integrate into an electronic filing system or other probable evolution in court record management, i.e., Internet access to transcripts. It was also noted that real-time reporters performed services under more stressful circumstances because of the required degree of accuracy. This stressful environment could, under certain circumstances, require multiple court reporters for an ongoing proceeding to provide periodic rest or relief. This could make the court reporter shortage even worse. It was further noted that not all current stenographic court reporters are willing or able to achieve real-time certification and any mandated migration in that direction would likely prompt more retirements or career changes.

The subcommittee also discussed other alternative forms of court reporting including stenomask reporting and voice recognition programs. The subcommittee quickly confirmed that voice recognition applications were too basic to address the more complicated requirements of preserving a court record. Voice recognition in conjunction with stenomask reporting showed some opportunities because only the reporter, repeating the record orally, would be required to have voice recognition or the requisite responding vocabulary.

Subcommittee members also evaluated audio/visual systems without the benefit of any specific demonstration. It would appear such audio/visual systems are more elaborate and expensive than other options. Given the need for an individual to operate and maintain the system, and the improbability of counties or other sources readily funding installation, the audio/visual alternative does not appear realistic at this time.

Digital audio recording

Finally, the subcommittee pursued multi-track, digital audio recording systems. Audio recording systems in court operations have evolved from the manual cassette recorder to voice tracking systems to the current technology of multi-track, digital audio voice tracking. The subcommittee viewed a demonstration of a digital audio recording system known as *FTR Gold*. This demonstration presented the nature of the system including multiple microphones, the recording device, and the computer-based programming. The demonstration indicated how an audio record could be maintained in a reasonably reliable manner and how that record could then be transcribed into a written transcript. It also confirmed how such a record could be preserved and integrated into an electronic filing system, with the added potential of allowing Internet access by participating attorneys, the public, or other interested parties. The digital audio recording system appeared to be fairly straight forward in its operation, although its total effectiveness is directly predicated on keeping participants close enough to the designated microphones to ensure accurate record preservation. The *FTR Gold* system, as demonstrated, and with projected

enhancements about to be released, could be installed for less than \$9,000.00 per courtroom (not including the computer hardware already available in most locations). Such a system could also be integrated into existing courtroom audio systems or other equipment requirements.

Included in the discussion of digital audio recording systems was the need for someone to be responsible for monitoring the equipment, and the probable need to review current Supreme Court rules pertaining to the record. In addition, there are the issues of compatibility with similar systems in other counties, compatibility with systems to facilitate future electronic filing or electronic record preservation, and other issues needing to be addressed to ensure a uniform statewide application. Therefore, the subcommittee saw a need to assign the identification, purchase and implementation of any system to one central entity with the appropriate technical knowledge.

Recommendations

The subcommittee offers the following recommendations to the Director of State Courts:

1. Support efforts to increase enrollment in court reporting schools. The Wisconsin Court Reporters Association (WCRA) should take primary responsibility for this task, with the endorsement and assistance of appropriate court system personnel
2. Work with WCRA to encourage real-time reporting training, certification, and use
3. Install a multi-track, digital audio recording system in each County to be used as a back-up when a stenographic court reporter is unavailable. This would allow the court to conduct business and would ensure record preservation
4. Identify, or create, an oversight entity to develop the technical specifications of the digital audio recording system. The entity shall also identify vendors, and oversee purchase and installation of the chosen system. This will ensure standardization, compatibility, and integration with existing courtroom technologies. System costs could be borne by the State Courts, by Counties through normal budget processes, or shared between State and County. Grant programs may also be available to assist in the purchase of such systems
5. Re-define the duties of the Court Reporter position to reflect added duties of technology supervision and managing the record of proceedings; or operation of digital audio recording equipment and transcript preparation, as needed
6. Review Supreme Court Rule 71.05 to ensure compliance with the recommendations in this report. Also revise the standards promulgated pursuant to 71.05(4) to reflect digital audio recording technology as the preferred method of electronic reporting

7. Evaluate stenomask technology as another court reporting option, with real-time certification a minimum standard
8. Educate judges, reporters and other affected court system staff in the use of digital audio recording technology

NOTE: *Some of these recommendations involve topics already being considered by committees of the Chief Judges and Director of State Courts Office.*